

REMARKS/ ARGUMENTS

Applicant gratefully appreciates the courtesies extended by Examiner Pham during the brief telephone conference of October 9, 2003, during which entry of the After-Final Amendment was discussed. Applicant believes that this amendment does not raise new issues because the limitation incorporated into all independent claims is from original claim 5 which has been canceled by this amendment.

Claims 1-4, 6-10, 12-20, and 22-27 are pending in this application.

Claims 5, 11, and 21 have been canceled.

The support for the amendment to Claims 1, 7, 13, and 23 is found in original Claim 1. Claims 1, 7, 13, 22, and 23 have been amended for clarification only. All claims recite the application is registered with an electronic program guide – a limitation found in original claim 5. It is respectfully submitted that no new matter has been added.

Claim Rejections – 35 USC § 102 and 103

The Patent Office rejected claims 1-12 and 23-27 under 35 USC 102(b) as being anticipated by Levine, U.S. Patent No. 5,692,214.

The Patent Office rejected Claims 13-14 and 16-20 under 35 U.S.C. 102(b) as being anticipated by Lawler et al., U.S. Patent No. 5,585,838.

In the present invention, one or more applications may register with an electronic program guide through the implementation of a predefined interface. An event is associated with the application. While receiving information from a selected information source, event related information is monitored for an occurrence of the event. Upon occurrence of the event, an operation of the application is caused to be executed.

A claim is anticipated by a reference if each and every element of the claim is taught by the reference or the element is inherent. MPEP 2131.

All Claims recite an application registered with an electronic program guide. Levine, col. 2, lines 5-8, discloses a channel dedicated for broadcasting a display of program schedule information and presenting information in a time-based grid similar to conventional printed program guides, but does not disclose that an application is

registered with an electronic program guide. This limitation is not inherent as any electronic program guide in Levine may, instead, contain a singular program that performs all operations. The application program disclosed by Levine appears to be an electronic program guide and not an application that is registered with an electronic program guide. Levine, in col. 3, lines 48-49, asserts "The application program is loaded into the personal computer via a diskette or the like." This is not a teaching or suggestion that registering step includes registering the application with an electronic program guide. Therefore, claims 1-4, 6-10, 12-20, and 22-27 are allowable over the prior art of record.

Furthermore, Claims 1-4, 6-10, and 12 recite "while receiving information from a selected information source, monitoring event related information for an occurrence of the event." Levine does not teach or suggest the monitoring step occurs while information is being received. Levine also does not teach or suggest an information source that has been selected that provides the information received. In Levine, in column 4, lines 32-34, programmable cable tuners or programmable satellite receivers do not disclose a monitoring step; here, programmable could mean that a user is able to change them or that an algorithm controls them without monitoring. Levine, in column 4, lines 19-21, asserts that selection transfers information, but does not disclose monitoring. Levine's assertion in col. 3, lines 64-66, "The operator of the personal computer system 18 may communicate with the schedule source over phone lines 42 using modems 44 at each end" does not disclose or suggest the step of monitoring occurring while information is being received nor that a selected information source is providing the information. Therefore, claims 1-4, 6-10, and 12 are allowable over the prior art of record for this additional reason.

The Patent Office rejected Claim 15 under 35 U.S.C. 103(a) as being unpatentable over Lawler et al., U.S. Patent No. 5,585,838.

Claim 15 is allowable because of its dependence on allowable Claim 13.

CONCLUSION

In light of the foregoing, amendments and supporting arguments, reconsideration of all pending claims is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

GATEWAY, INC.,

By:

Walter J. Malinowski

Walter Malinowski

Reg. No. 43,423

SUITER · WEST PC LLO
14301 FNB Parkway, Suite 220
Omaha, Nebraska 68154
Telephone 402.496.0300
Facsimile 402.496.0333